

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Initially, the Applicant wishes to express thanks for the indication that claims 1 and 2 are allowed.

Claims 5 and 6 have been amended to require that the claimed DNA fragment comprises at least the translation region of the base sequence of SEQ ID NO: 1 and 3, respectively.

The translation region of the cDNA of SEQ ID NO: 1 and 3 are described in the specification as being usable for producing the proteins SfUCPA and SfUCPB by recombinant DNA techniques. Please see the paragraph bridging pages 8-9 of the specification.

In view of the foregoing, the rejections of claims 5 and 6 under 35 USC 101, 35 USC 112, and 35 USC 102 as anticipated by Albrandt are deemed to be overcome.

Furthermore, regarding the 102 rejection, the cited patent has an issue date of August 5, 2003. On the other hand, the earliest U.S. filing date of the present application is the date of completion of requirements of 35 USC 371, which date is January 23, 2002, in view of the fact that the PCT application was filed prior to November 29, 2000. Accordingly, the cited patent is not available as prior art under 35 USC 102(b) as argued by the Examiner, and the rejection is improper.

The cited patent is a national stage application of an international application filed July 13, 1999. Since the international application was filed prior to November 29, 2000, the 102(e) date of the U.S. patent is the date of completion of the requirements of 35 USC 371, i.e. June 27, 2001. In addition, due to the filing date of the international application, the cited patent is not entitled to the benefit of the provisional application filed July 14, 1998, under 35 USC 102(e).

In addition, the cited patent is a U.S. national stage of a PCT application having a publication date of January 27, 2000. Accordingly, the corresponding published PCT application is available as prior art against the present application under 35 USC 102(b).

In summary, based upon the Applicant's analysis, the earliest date that the cited U.S. patent is entitled to for prior art purposes is the 102(e) date of June 27, 2001. In addition, the earliest date for prior art purposes that the corresponding PCT application is available as prior art is the 102(b) date of January 27, 2000.

The present application claims the benefit of a Japanese priority application with a filing date of June 14, 1999. Accordingly, perfection of the claim of priority under 35 USC 119 should overcome a rejection under 102(b) based upon the published PCT application, as well as a rejection under 102(e) based upon the cited U.S. patent. A certified copy of the priority document is of record in this application. To complete the claim of priority, enclosed is a verified English translation of the priority application, showing that the subject matter of the claims is entitled to the benefit of the Japanese priority application.

In summary, it is believed that each ground of rejection set forth in the Official Action has been overcome, and that the application is now in condition for allowance. Accordingly, such allowance is solicited.

Respectfully submitted,

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